P - 002 FORM EXEMPT UNDER 44 U.S.C 3612

INTERNET FORM NLRB-508 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST LABOR ORGANIZATION

DO NOT WRITE IN THIS SPACE					
Case	Date Filed				
29-CB-111739	8/20/13				

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROCUPTT 2. Name 3. Name of Employer All Around Spiral 3. Location of plant invoked (street, cry., state and ZIP code) 3. Location of plant invoked (street, cry., state and ZIP code) 3. Location of plant invoked (street, cry., state and ZIP code) 3. Location of plant invoked (street, cry., state and ZIP code) 4. Tex No. 3. Name of Employer All Around Spiral 3. Name of Employer All Around Spiral 3. Location of plant invoked (street, cry., state and ZIP code) 4. Easier of polytiking charge (D) (O) (O) (O) (O) (O) (O) 4. Experiment (fectory, mine, wholesafer, etc.) 5. Location of plant invoked (street, cry., state and ZIP code) 5. Location of plant invoked (street, cry., state and ZIP code) 5. Location of plant invoked (street, cry., state and ZIP code) 5. Location of plant invoked (street, cry., state and ZIP code) 5. Location of plant invoked (street, cry., state and ZIP code) 6. Employer representative to contact Rich Keyling charge	OK 115 AGENTS	I			
2. Name Sheet Metal Workers International, Local 28 C. Address (Sinear, city, state, and ZIP code) 195 Mineola Blvd, Mineola, New York D. Links (Sinear, city, state, and ZIP code) 195 Mineola Blvd, Mineola, New York D. Fax No. 196 Analysis of subsections) (3(b)(1)(A) 29 Analysis of subsections) (3(b)(1)(A) 20 Analysis of the Charge cost (forth a clear and concise statement of the facts constituting the allegad under labor practices within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or these unfail labor practices are unfail practices affecting commerce within the meaning of the Act, or these unfail labor practices are unfail practices affecting commerce within the meaning of the Act, or these unfail labor practices are unfail practices affecting commerce within the meaning of the Act, or these unfail labor practices are unfail practices affecting commerce within the meaning of the Act, or these unfail labor practices are unfail practices affecting commerce within the meaning of the Act, or these unfail labor practices are unfail practices affecting commerce within the meaning of the Act, or these unfail labor practices are unfail practices affecting commerce within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or these unfail labor practices affecting commerce within the meaning of the Act, or the act and the Post and the Post and the Post and the Post and the	INSTRUCTIONS: File an original with NLRB Regional Director for	r the region in which the alleged	unfair labor pra	ctice occurr	ed or is occurring.
Sheet Metal Workers International, Local 28 Kevin Connors Kevin Connors Latin No. Sci C 7/Q -9778 917 -863 -802 1. Fax No. Sci No.	1. LABOR ORGANIZATION OF	RITS AGENTS AGAINST WHIC	H CHARGE IS	BROUGHT	
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195 Mineola Bivd, Mineola, New York F. Fs No. 5/6-742-6360	Sheet Metal Workers International, Local 28		Kevin Co	nnors	•
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195 Mineola Bivd, Mineola, New York F. Fs No. 5/6-742-6360	c. Address (Street city state and ZIP code)		d. Tel. No.		e. Cell No.
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PRIVACY ACT STATEMENT Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRG) in processing unfair labor practice and related proceedings or Intigation. The routino uses for the information are fully set forth in the Federal Register, 71 Fed. Reg 74942-43 (Dec. 13, 2006). The NLRB will further explain these usos upon request. Disclosure of this Information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to Invoke its processes.



REGION 29 TWO METRO TECH CENTER STE 5100 FL 5 BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov Telephone: (718)330-7713 Fax: (718)330-7579

August 22, 2013

KEVIN CONNORS SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, LOCAL 28 195 Mineola Blvd Mineola, NY 11501-2524

Re: Sheet Metal Workers International Union,

Local 28 (All Around Spiral)

Case 29-CB-111739

Dear CONNORS:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney KIMBERLY WALTERS whose telephone number is (718)330-2844.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

James M Paulsen

JAMES PAULSEN Regional Director

Enclosure: Copy of Charge

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

SHEET METAL WORKERS	INTERNATIONAL
ASSOCIATION LOCAL UNI	ION 28

Charged Party

and

Case 29-CB-111739

(b) (6), (b) (7)(C)

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 22, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

KEVIN CONNORS SHEET METAL WORKERS INTERNATIONAL ASSOCIATION, LOCAL 28 195 Mineola Blvd Mineola, NY 11501-2524

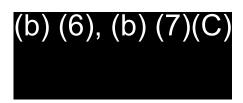
August 22, 2013	Designated Agent of NLRB
Date	Name
	Tasha V. Fred
	Signature



REGION 29 TWO METRO TECH CENTER STE 5100 FL 5 BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov Telephone: (718)330-7713 Fax: (718)330-7579

August 22, 2013



Re: Sheet Metal Workers International Union, Local 28 (All Around Spiral)

Case 29-CB-111739

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on August 20, 2013 has been docketed as case number 29-CB-111739. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney KIMBERLY WALTERS whose telephone number is (718)330-2844. If the Board agent is not available,

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing)

through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

James M Paulsen

JAMES PAULSEN

Regional Director



REGION 29 TWO METRO TECH CENTER STE 5100 FL 5 BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov Telephone: (718)330-7713 Fax: (718)330-7579

August 22, 2013

RICHARD KERN, President COOL SHEET METAL 10 Fleetwood Ct Ronkonkoma, NY 11779-6907

Re: Sheet Metal Workers International Union,

Local 28 (All Around Spiral)

Case 29-CB-111739

Dear Mr. KERN:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney KIMBERLY WALTERS whose telephone number is (718)330-2844. If this Board agent is not available,

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

James M Paulsen

JAMES PAULSEN Regional Director

Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

QL	Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD						
	QUESTIONNAIRE ON COMMERCE INFORMATION						
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.							
CASE NAME		C	ASE NUMBER				
Sheet Metal Workers Internat			9-CB-111739				
1. EXACT LEGAL TITLE OF ENTITY	As filed with State and/or stated in legal	documents forming entity)					
2. TYPE OF ENTITY							
[] CORPORATION [] LLC [] I	LP [] PARTNERSHIP [] SOLE	PROPRIETORSHIP [] OTHER (S	pecify)				
3. IF A CORPORATION or LLC							
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATION	NSHIP (e.g. parent, subsidiary) OF ALL F	RELATED ENTITIES				
OKTORWATION							
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDRE	SS OF ALL MEMBERS OR PARTNE	RS				
5. IF A SOLE PROPRIETORSHIP, FUI	L NAME AND ADDRESS OF PROPRI	ETOR					
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products ha	ndled or manufactured, or nature of service	ces performed).				
7. A. PRINCIPAL LOCATION:	B. BRANCH LOC	CATIONS:					
8. NUMBER OF PEOPLE PRESENTLY	FMPI OVED						
A. Total:	B. At the address involved in this m	atter.					
9. DURING THE MOST RECENT (Che			R (FY dates				
7. Deking the most recent (car	wappropriate boxy. CALLINDAK TR	i jizmoniis u jiiscali		NO			
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Roy Barnes Riccardo Iaccarino Wendell V. Shepherd

AUG-28-2013 12:01

Danielle M. Carney Zachary Eagle Michele Harari Dana Henke Steven Kern Samer E. Khalaf* Lauren M. Kugielska*** Giacchino Russo

Barnes, Iaccarino & Shepherd LLP ATTORNEYS AT LAW

258 Saw Mill River Road Elmsford, New York 10523 (914) 592-1515 Fax: (914) 592-3213 3 Surrey Lane Hempstead, New York 11550 Tel: (516) 483-2990 Fax: (516) 483-0566

> 20 Court Street 4th Floor Hackensack, NJ 07601 (201) 678-1119 Fax: (201) 678-9444

Only Admitted in NJ, MD & DC
 Also Admitted in NJ

August 28, 2013

BY FAX 212-264-2450

Karen Fernbach, Regional Director National Labor Relations Board 26 Federal Plaza, Room 3614 New York, NY 10278

Re:

Local 28, SMWIA - All Around Spiral

Case No.: 29-CB-111739

Dear Ms. Fernbach:

This firm represents Local 28, SMWIA.

Please direct all future correspondence in the above matter to my attention.

Very truly yours,

Wendell Shepherd

cc: Local 28, SMWIA



REGION 29 TWO METRO TECH CENTER STE 5100 FL 5 BROOKLYN, NY 11201-3838

Agency Website: www.nlrb.gov Telephone: (718)330-7713 Fax: (718)330-7579

October 24, 2013

WENDELL SHEPHERD, ESQ. BARNES IACCARINO & SHEPHERD LLP 258 Saw Mill River Rd Ste 3 Elmsford, NY 10523-1956

Re: Sheet Metal Workers International Union,

Local 28 (All Around Spiral)

Case 29-CB-111739

Dear SHEPHERD:

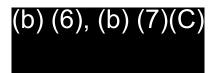
This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/S/

JAMES G. PAULSEN Regional Director

cc: KEVIN CONNORS
SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION,
LOCAL 28
195 Mineola Blvd
Mineola, NY 11501-2524



RICHARD KERN, President COOL SHEET METAL 10 Fleetwood Ct Ronkonkoma, NY 11779-6907